

**RESOLUTION NO. 74490**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SUMMARILY VACATING A 25-FOOT BUILDING SET BACK LINE EASEMENT AT 2517 SOUTH BASCOM AVENUE**

**WHEREAS**, subdivision (a) of Section 8333 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate an easement if it has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years immediately preceding the proposed vacation; and

**WHEREAS**, the City Council intends to summarily vacate a 25-foot building set back line easement (hereinafter the "Easement") constituting all that real property situated in the City of San Jose, County of Santa Clara, State of California, more particularly described as:

REAL PROPERTY in the City of San Jose, County of Santa Clara, state of California, being a portion of the parcel of land described in the deed recorded October 29, 1997, in Document No. 13913716 of Official Records, Santa Clara County Records, more particularly described as follows:

That portion of said parcel of land that lies between the 25 foot Building Set Back Line as shown on that certain Map of Tract 3970 filed for record on June 23, 1965, in Book 196 of Maps, pages 18 and 19, Santa Clara County Records, and the southerly line of Surrey Place, and between said 25 foot Building Set Back Line and the westerly line of South Bascom Avenue.

**WHEREAS**, on June 19, 2008, the Director of the Department of Public Works approved that certain map entitled "Plat Map Showing That Portion of a 25-Foot Building Setback Line Easement at 2517 Bascom Avenue" showing the portion of the easement that the City Council intends to summarily vacate (hereinafter "Map"); and

**WHEREAS**, attached to this Resolution as Exhibit “A” is a copy of the report, dated June 2, 2008, that the Director of the Department of Public Works submitted to the City Council setting forth the reasons justifying the summary vacation of the Easement (hereinafter “Report”).

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

**SECTION 1.** The City Council hereby adopts the Report and, based upon the Report and all other evidence submitted, makes the following findings:

1. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately prior to June 24, 2008; and
2. No public facilities are located within the Easement that would be affected by a summary vacation; and
3. The Easement is not needed for present or prospective easement purposes; and
4. The public convenience and necessity does not require reservation of any portion of the Easement.

**SECTION 2.** Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8333 of the Streets and Highways Code, the City Council does hereby order that the Easement shall be and hereby is summarily vacated.,

**SECTION 3.** The City Clerk is hereby direct to record at Santa Clara County Records this Resolution, including Exhibit “A” hereto, and the Map.

**SECTION 4.** The Easement will no longer constitute a 25-foot building set back line easement from and after the date of recordation of the documents identified in Section 3 of this Resolution.

ADOPTED this 24th day of June 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,  
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

---

CHUCK REED  
Mayor

ATTEST:

---

LEE PRICE, MMC  
City Clerk